

STATE BUILDING CODE TECHNICAL REVIEW BOARD  
MEETING

July 15, 2016

RICHMOND, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman  
Mr. Matthew Arnold  
Mr. W. Keith Brower  
Mr. Vince Butler  
Mr. James R. Dawson  
Mr. John H. Epperson, PE  
Mr. Alan D. Givens  
Mr. Eric Mays  
Ms. Patricia S. O'Bannon

Members Absent

Mr. J. Daniel Crigler  
Mr. Joseph A. Kessler, III  
Ms. Joanne D. Monday  
Mr. W. Shaun Pharr, Esq.

Call to Order

The meeting of the State Building Code Technical Review Board ("Review Board") was called to order by the Chairman at approximately 10:00 a.m.

Roll Call

The attendance was established by the Secretary, Alan W. McMahan, Secretary, and constituted a quorum. Mr. Justin I. Bell, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.

Approval of Minutes

Mr. Butler moved to approve the minutes of the May 20, 2016 meeting as presented in the Review Board members' agenda package. The motion was seconded by Mr. Dawson and passed unanimously with Messrs. Arnold, Brower, Dawson, Epperson, Mays and Ms. O'Bannon abstaining.

Public Comment

The Chairman opened the floor for public comment. The Secretary reported that no one was preregistered. The Chairman closed the public comment period.

Final Orders

Appeal of Karen McLaughlin; Appeal No. 11-3:

After review and consideration, Mr. Butler moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Dawson and passed with Messrs. Arnold, Brower, Dawson, Epperson, Mays and Ms. O'Bannon abstaining.

Appeal of Catherine Rowson; Appeal No. 15-16:

After review and consideration, Mr. Butler moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Dawson and passed with Messrs. Arnold, Brower, Dawson, Epperson, Mays and Ms. O'Bannon abstaining.

Appeal of Peppermill Homes, LLC; Appeal No. 15-19:

After review and consideration, Mr. Butler moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Dawson and passed with Messrs. Arnold, Brower, Dawson, Epperson, Mays and Ms. O'Bannon abstaining.

New Business

Appeal of Bradley Pollack; Appeal No. 15-20:

An appeal hearing convened with the Chairman serving as the presiding officer. The appeal concerned the issuance of a building permit under the 2012 Virginia Uniform Statewide Building Code (USBC) as it relates to the construction of a detached two-family dwelling in Shenandoah County.

The following person was sworn in and given the opportunity to present testimony:

Michael Dellinger, building official for Shenandoah County

Appeal of Bradley Pollack; Appeal No. 15-20 (cont'd.):

Also present was:

Robert Vaughn: counsel for Main Street Homes and Gary Foltz

After testimony concluded, the Chairman closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Appeal of Bradley Pollack; Appeal No. 15-20:

After deliberation, Ms. O'Bannon moved to uphold the decision of the local code official and the local appeals board. The motion was seconded by Mr. Arnold and passed unanimously.

Mr. Alan Givens arrived at approximately 10:25 a.m.

Appeal of Lien Tran & Anh Nguyen; Appeal No. 15-21:

An appeal hearing convened with the Chairman serving as the presiding officer. The appeal concerned the issuance of a notice of violation under the 2012 Virginia Maintenance (VMC) as it relates to an existing detached single-family dwelling in Fairfax County.

The following person was sworn in and given the opportunity to present testimony:

Secretary's Report

Lien Tran, homeowner  
Anh Nguyen, homeowner

Appeal of Lien Tran & Anh Nguyen; Appeal No. 15-21 (cont'd.):

Exhibit A – Documentation of the disconnection of different utilities on the property and an estimate by JKSS Construction

After testimony concluded, the Chairman closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Appeal of Lien Tran & Anh Nguyen; Appeal No. 15-21:

After deliberation, Mr. Arnold moved that the appeal is moot due to the rescission of the notice upon which the appeal was initially based. The motion was seconded by Mr. Mays and passed unanimously.

Secretary's Report

Mr. Bell updated the Review Board members on pending circuit court appeals of past decision. Mr. McMahan informed the Review Board members about several upcoming appeal and about tentative future meeting dates.

Adjournment

There being no further business, the meeting was adjourned by motion of Mr. Epperson at approximately 11:29 a.m.

Approved: September 16, 2016

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Chairman, State Building Code Technical Review Board

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Secretary, State Building Code Technical Review Board